

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

RECEIVED
JAN 27 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

ILLINOIS DEPARTMENT OF TRANSPORTATION,)

Petitioner,)

v.)

NORFOLK SOUTHERN RAILWAY COMPANY,)

Respondent.)

Docket No. 703-0006

Petition to designate crossing DOT/AAR No. 543-
304R, which traverses Illinois Route 54 as exempt
pursuant to 625 ILCS 5/11-1202; situated in the City
of Farmer City, Dewitt County, Illinois.)

PETITION

NOW COMES the Illinois Department of Transportation ("Department"), by and through its attorney Lisa Madigan, Attorney General, the State of Illinois, to request an order of the Illinois Commerce Commission ("ICC") designating the above captioned crossing located in the City of Farmer City, Dewitt County, Illinois as exempt pursuant to 625 ILCS 5/11-1202 and in support of said Petition, the Petitioner states as follows:

1. A rail line currently owned by the Norfolk Southern Railway Company, the respondent herein ("NS"), is situated in the City of Farmer City.
2. That within the city limits, Illinois Route 54 is a public roadway under the jurisdiction of the Department, which crosses the aforesaid line of railroad at-grade. Said crossing is identified as DOT/AAR 543 304R (A location map reflecting the location of this crossing is attached hereto and marked as Exhibit A.)
3. The aforesaid crossing is currently protected by flashing signals, flashing gates, cross-bucks, advanced warning signs, pavement markings, stop bars and sidelights. (A photograph of the crossing is attached hereto and marked as Exhibit B.)
4. Highway traffic over the aforesaid crossing is substantial in volume; traffic includes school buses and other vehicles required to stop at all railroad grade crossings.
5. Railroad traffic on the rail line over the aforesaid crossing is zero. More specifically, the trackage has been disconnected from the mainline track at a location approximately 1/2 mile northwest and at another location approximately 6.7 miles east of the crossing in question. Said crossing is no longer in service. (Photographs showing the location where the track is disconnected are attached hereto and marked as group Exhibit C.)
6. By reason of the lack of railroad traffic and the large volume of highway traffic over the aforesaid crossing, stopping at the crossing is an unnecessary restriction on

DOCKETED

certain aforementioned vehicles according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law.

7. The installation of "EXEMPT" signage on either side of the railroad tracks of the at-grade crossing is necessary in the interest of public safety.
8. The Department agrees to bear the cost for the requested relief.

WHEREFORE, Petitioner, State of Illinois, Department of Transportation, respectfully requests that the Commission enter an Order as follows:

- A. Designating the aforesaid grade crossing as "EXEMPT" within the meaning of Section 18c-7401 of the Illinois Commercial Transportation Law;
- B. Directing the Petitioner to install and maintain "Exempt" signs upon the sign posts at its own cost; and
- C. Providing for such other or further relief as the Commission may deem appropriate.

Respectfully submitted,
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan
Attorney General



Stacey C. Hollo
Special Assistant Attorney General

Dated

Jan 22, 2003

Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
Telephone (217) 782-3215

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS DEPARTMENT OF TRANSPORTATION,)

Petitioner,)

v.)

NORFOLK SOUTHERN RAILWAY COMPANY,)

Docket No.)

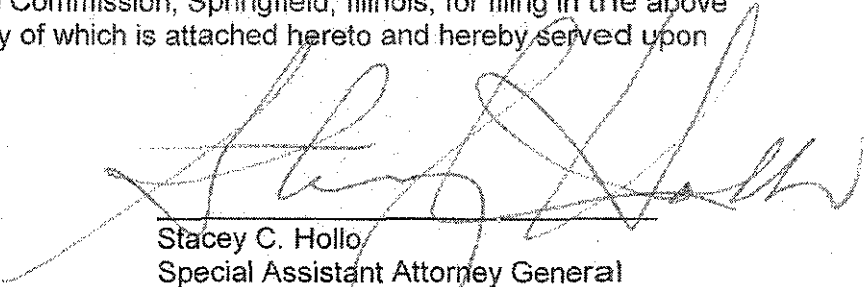
Respondent.)

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pursuant to 625 ILCS 5/11-1202; situated in the City
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NOTICE OF FILING

TO: Richard E. Boyle, NS
Sandy Shaw, City Clerk

PLEASE TAKE NOTICE that I have this 22nd day of January, 2003,
forwarded to Mr. Kevin Sharpe, Director of Processing, Transportation Division,
of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above
matter, a Petition, a copy of which is attached hereto and hereby served upon
you.

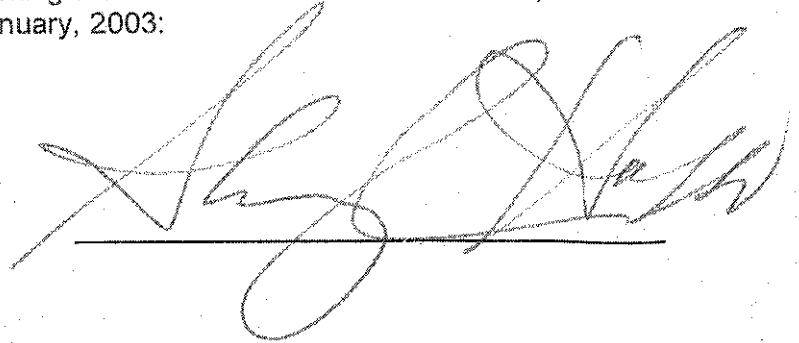


Stacey C. Hollo
Special Assistant Attorney General
2300 South Dirksen Parkway
Room 311
Springfield, Illinois 62764
(217) 782-3215

Counsel for the Illinois
Department of Transportation

PROOF OF SERVICE

The undersigned hereby certifies that copies of the foregoing instruments were served upon the addressees listed below by mailing a true and correct copies via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 22nd day of January, 2003:

A handwritten signature in dark ink, appearing to read 'R. E. Boyle', is written over a horizontal line.

Richard E. Boyle
Norfolk Southern Railway Company
5000 West Main St., Box 23560
Belleville, IL 62223-0560

Sandy Shaw
City Clerk
City of Farmer City
105 South Main
Farmer City, IL 61842

LOCATION MAP

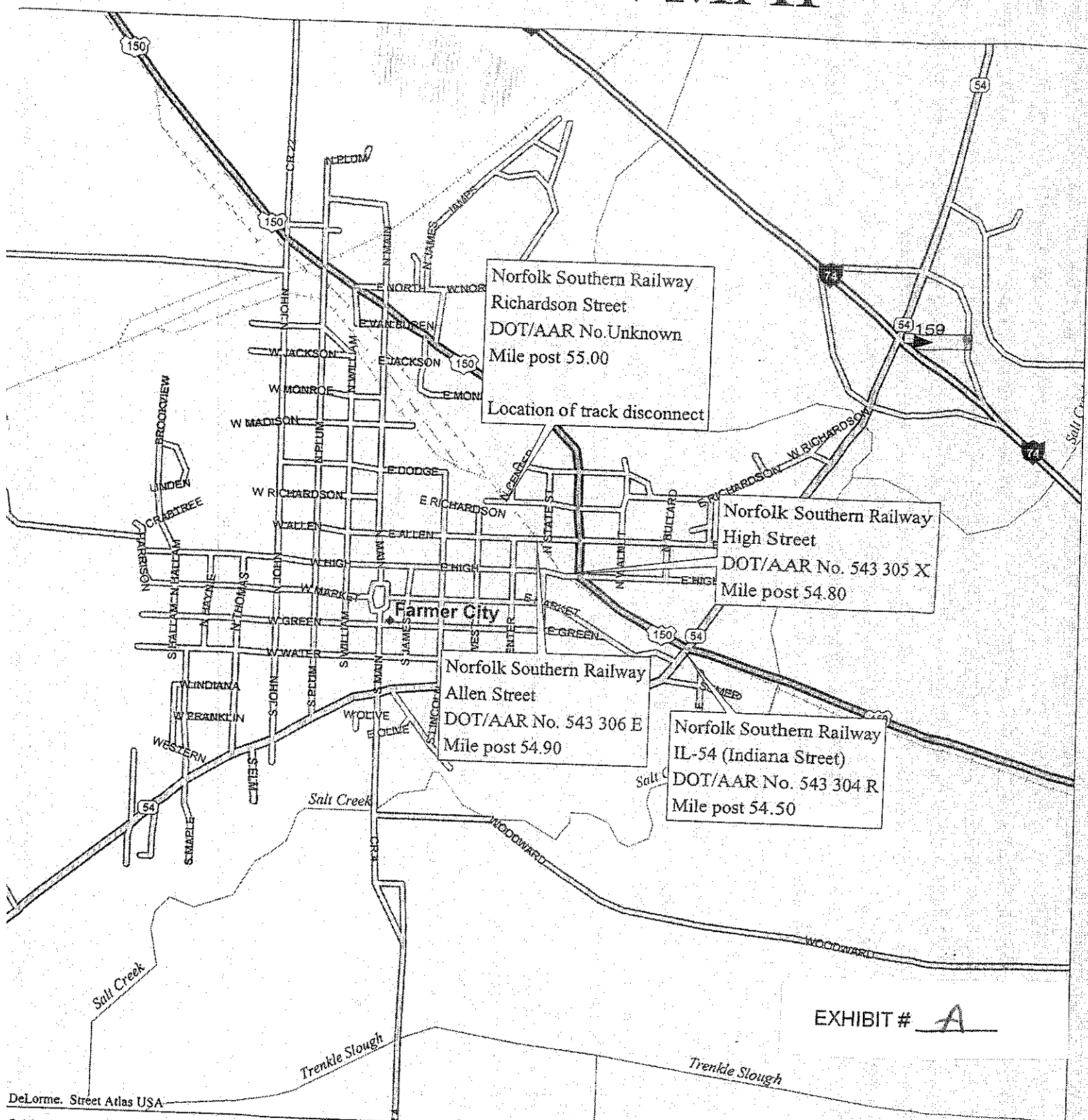


EXHIBIT # A






DeLorme. Street Atlas USA.






5.00
ep 26 15:31 2002

Scale 1:15,625 (at center)

1000 Feet

500 Meters

 Local Road
 Primary State Route
 Interstate/Limited Access
 US Highway
 Exit

-  Railroad
-  Small Town
-  Exit/Gas
-  Exit/Lodging
-  Exit/Food